

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

Priya Saxena,)	
)	
Plaintiff,)	
)	
v.)	Civ. 5:25-cv-5035
)	
Kristi Noem, in her official capacity as	(
Secretary of Homeland Security;)	
the Department of Homeland Security;)	
and Todd Lyons, in his official capacity)	
as Acting Director of U.S. Immigration)	
and Customs Enforcement,)	
)	
Defendants.)	
_____)	

Reply Memorandum in Support of
Motion to Extend Temporary Restraining Order

Defendants contend that the TRO should not be extended because it is moot. As Saxena informed the Court on April 30 (Doc. 19 at 2), she does not agree. Her brief on this issue is due May 9. The TRO expires in hours and it is impossible to fully brief the issue today. Defendants ask the Court to rush to judgment and determine there is no reason to extend the TRO, without Saxena having had the

opportunity to demonstrate why a court order—TRO for now, preliminary injunction after the May 13 hearing—is still needed and legally justified.

Defendants caused this present moment by—as this Court preliminarily determined when it entered the TRO—lawlessly terminating Saxena’s SEVIS status. This equitable factor weighs against defendants’ request. The Court should follow the regular process already in place, and agreed to by defendants, by allowing Saxena until May 9 to file her brief responding to defendants’ contention that this case is moot, and by hearing the issue, along with all other issues, at the preliminary injunction hearing on May 13.

The TRO maintains the status quo. The TRO should be extended until May 16, to continue to maintain the status quo until the Court can hear and determine this matter, based on regular briefing and in due and proper course. Defendants have not even attempted to show that an extension will harm them in any way. So the equities, as well as this Court’s briefing order and hearing schedule, favor extending the TRO through May 16.

Dated: May 2, 2025

Respectfully submitted,

/s/ James D. Leach
James D. Leach
Attorney at Law

1617 Sheridan Lake Rd.
Rapid City, SD 57702
Tel: (605) 341-4400
jim@southdakotajustice.com
Attorney for Plaintiff

Certificate of Service

I certify that on May 2, 2025, I filed this document using CM/ECF, which will cause automatic electronic service to be made on defendants.

/s/ James D. Leach
James D. Leach